

2020 -- H 7299

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

Introduced By: Representatives O'Brien, Vella-Wilkinson, McEntee, Amore, and Morin

Date Introduced: January 24, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 4-1-3 of the General Laws in Chapter 4-1 entitled "Cruelty to  
2 Animals" is hereby amended to read as follows:

3           **4-1-3. Unnecessary cruelty.**

4           (a) Every owner, possessor, or person having the charge or custody of any animal, who  
5 cruelly drives or works that animal when unfit for labor, or cruelly abandons that animal, or who  
6 carries that animal or who fails to provide that animal with adequate living conditions as defined  
7 in § 4-1-1, or who engages in the hazardous accumulation of animals as defined in § 4-1-1, or  
8 causes that animal, to be carried, in or upon any vehicle or otherwise, in a cruel or inhuman  
9 manner; or willfully, intentionally, maliciously, recklessly, and/or knowingly authorizes or  
10 permits that animal to be subjected to unnecessary torture, suffering, or cruelty of any kind; or  
11 who places, or causes to have placed, on any animal any substance that may produce irritation or  
12 pain or that is declared a hazardous substance by the U.S. Food and Drug Administration or by  
13 the state department of health, shall be punished for each offense in the manner provided in § 4-1-  
14 2. If the offense described in this section results in the death of the animal, the person shall be  
15 punished in the manner provided in § 4-1-5. If any owner, possessor, or person having the charge  
16 or custody of any animal is found guilty of or pleads nolo contendere to a violation of this section  
17 and said violation involves the hazardous accumulation of animals, the court shall, in imposing a  
18 penalty under this section, take into account whether the defendant's conduct could be considered  
19 to be the result of a mental health disorder as defined in § 27-38.2-2.

1 (b) The substances proscribed by subsection (a) do not include any drug having curative  
2 and therapeutic effect for disease in animals and that is prepared and intended for veterinary use.

3 (c) University, college, or hospital research facilities licensed and/or inspected by the  
4 U.S. Department of Agriculture or the U.S. Public Health Service of the Department of Health  
5 and Human Services shall be exempt from the provisions of subsection (a) provided that they are  
6 in good standing with the federal agency responsible for licensing or assurance of the facility.

7 (d) A person convicted under subsection (a) of this section shall not harbor, own, possess,  
8 exercise control over, adopt, or foster an animal for any length of time that the court deems  
9 reasonable for the protection of all animals; provided, however that the length of time shall not be  
10 less than five (5) years. Any person found in violation of this section may, in addition to any other  
11 punishment provided by law, be fined in an amount not to exceed one thousand dollars (\$1,000)  
12 for each animal held in unlawful ownership or possession. Any animal involved in a violation  
13 described in this subsection shall be forfeited to the Rhode Island Society for the Prevention of  
14 Cruelty to Animals pursuant to § 4-1-22.

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

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1           This act would prohibit a person convicted of unnecessary cruelty on an animal from  
2 owning or exercising control of an animal for a time not less than five (5) years, and subject to a  
3 fine of one thousand dollars (\$1,000) if in violation of this act. Any animal involved in the  
4 violation of this act would be forfeited.

5           This act would take effect upon passage.

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